

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Accelerating Wireline Broadband Deployment by) WC Docket No. 17-84
Removing Barriers to Infrastructure Investment)

**REPLY COMMENTS OF THE
ALARM INDUSTRY COMMUNICATIONS COMMITTEE**

The Alarm Industry Communications Committee (“AICC”), on behalf of its members,¹ hereby files reply comments on the Commission's *NPRM/NOI*² concerning proposed changes to current rules in connection with copper retirement and the discontinuance of telecommunications service and the preemption of state laws that impede broadband deployment. The comments demonstrate that the Commission should maintain a requirement to provide notice of copper retirement to retail customers and that such notice should be more than 90 days. In addition, the Commission should maintain rules to prevent anticompetitive marketing practices by ILECs like

¹ The Monitoring Association (TMA) (formerly known as Central Station Alarm Association), Electronic Security Association (ESA), Security Industry Association (SIA), the National Public Safety Telecommunications Council, Ackerman Security, ADS, ADT, AES- IntelliNet, AFA Protective Systems, Alarm.com, Alarm Detection Systems, ASG Security, Axis Communications, Bay Alarm, Bosch Security Systems, COPS Monitoring, CRN Wireless, LLC, DGA Security, Digital Monitoring Products, Digital Security Control, Encore Networks, FM Approvals, Honeywell Security, Inovonics, Interlogix, Intertek Testing, iPDatatel, Napco Security, NetOne, Inc., Nortek, Protection One, Rapid Response Monitoring, Security Central NC, Select Security/Security Partners, Stanley Security, Supreme Security Systems, Inc., Telular Corp., Tyco Integrated Security, Tyco Security Products, Underwriters Laboratories, Universal Atlantic Systems, Vector Security, Inc., Vivint, and Wayne Alarm.

² *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, WC Docket No. 17-84, FCC 17-37 (rel. Apr. 21, 2017) (*NPRM/NOI*).

Verizon, who is currently in the security business either directly or through affiliates, and section 214 protections for consumers.

The comments demonstrate that the Commission should retain, and strengthen, the requirement that direct notice to retail customers must be provided before copper facilities can be retired. The comments show that no notice, short notice or inaccurate or misleading notice will result in harm to consumers ranging from confusion to the suspension or termination of basic service, including access to 911 and other emergency services.

On the other hand, the comments show that notice to retail customers does not slow down the transition to next generation networks or impose unreasonable costs. As an initial matter, no data has been provided to show that notice to retail customers in fact imposes an unreasonable cost. In addition, in most cases the ILEC must access the customer premise to replace copper facilities; therefore, notice to the customer is necessary. Verizon states that "providers will almost always need to communicate with customers directly to migrate them from copper to fiber or another technology."³ Further, because a technician visit to the affected premises is necessary, copper facilities cannot be retired quickly, in any event. In the state of Maryland, for example, Verizon has stated that it must implement copper retirement in phases throughout a one-year period. Thus, with some basic planning, customer notifications and copper retirements can be staggered to allow for the orderly and timely retirement of copper facilities, while still providing notice to consumers of well over 90 days.

A short notice period would deprive consumers of a reasonable opportunity to understand the nature of the change in facilities and to select a different service provider, if necessary. This is especially critical for consumers that need reliable communications service for alarm, personal

³ Comments of Verizon at 21.

emergency response (PERS), and medical device services. Many PERS customers are elderly or infirm and may not be able to quickly respond to a notice. Verizon acknowledges that more than 90 days' notice is warranted for certain consumers, such as the elderly.⁴ Although Verizon states that it tries to identify such consumers, it is likely that Verizon's efforts are not 100% accurate. The better course, therefore, would be to provide all consumers with more than 90 days' notice.

A short notice period also will impact the consumer's ability to ensure that their other devices using the telephone line, including alarms, PERS, medical devices and fax machines, will continue to operate properly. As demonstrated by AICC, a number of companies providing alarm services in the areas in the Northeast and Mid-Atlantic states (and in which Verizon is retiring copper facilities) have experienced a dramatic increase in the number of failed signals and invalid reports in the first and second quarters of 2017.

Indeed, the impact on alarm services in areas where Verizon is retiring copper facilities supports a re-evaluation of the merits of a general notice to the public. Notice in the media, combined with direct notice to consumers, would go far in allowing ISPs, like alarm companies, to be informed of the change and to work with their customers to ensure that alarm services will continue to operate properly. In light of the tremendous increase in the number of failed alarm signals and invalid reports in areas in which Verizon is removing copper facilities, AICC renews this request.

Verizon and USTelecom argue that ILECs should not be required to notify customers when any of the customer's terminal equipment, such as alarm equipment, would be materially affected by a network change⁵ and argue that "antiquated, analog-based equipment"⁶ is obsolete

⁴ Comments of AICC, Verizon Letter Attachment at pp. 3-4.

⁵ Comments of Verizon at 26; Comments of USTelecom Association at 30.

⁶ Comments of USTelecom Association at 30.

and should not be "protected." Alarm companies, however, do not seek to protect "obsolete" equipment. Rather, the alarm industry simply seeks an opportunity to properly connect existing alarm equipment or install new equipment, if necessary, when copper facilities are retired. Adequate notice to the consumer informing that copper facilities will be retired, and notice that this could impact the customer's alarm system, would help to ensure that consumers continue to be protected by their alarm systems. Direct customer notice, coupled with a notice to the general public that copper facilities will be retired, would further protect consumers.

There is some agreement that the current practice to delay public notice of a copper retirement until 6 months before the date of copper retirement, specified by the ILEC, creates problems and should be addressed. Verizon, supported by USTelecom, argues that "the Commission's 90-day notice period should begin on the day that the copper retirement notice is filed with the Commission and not be dependent on the Commission's release of public notice."⁷ This proposal, however, should be rejected because it does not allow for the Commission to review the copper retirement notice for clarity and sufficiency before the removal of copper facilities. Further, because the Commission would not have established a docket for the copper retirement proceeding, there would be no apparent process for consumers or others to raise any objections or issues with the planned copper retirement or retirement notice.

Verizon's alternative proposal, whereby the Commission would establish a process to release a public notice promptly after the copper retirement notice is filed⁸ (and after it has been reviewed for sufficiency and clarity), is a better option and appears to address the concerns of all commenters. Although AICC takes no position on whether 10 business days, as proposed by Verizon, is a sufficient period of time for the Commission to review a copper retirement notice

⁷ Comments of Verizon at 19. *See also*, Comments of USTelecom Association at 27.

⁸ Comments of Verizon at 19.

and publish it, AICC supports a process whereby the Commission releases the public notice and establishes a docket as soon as possible after the ILEC submits its copper retirement notice. The Commission should make clear that the notice period does not begin until the Commission releases a Public Notice of the copper retirement.

Verizon's request for a "flexible standard" for providing notice to consumers should be rejected.⁹ Verizon states that the Commission's rules lead to customer confusion and, instead, the Commission should "leave flexibility for providers to determine how most effectively to communicate with their customers."¹⁰ On the contrary, the "flexible standard" that is already being used by Verizon in connection with consumer notification is causing a tremendous amount of customer confusion. Thus, even under the Commission's current rules requiring direct notice to retail customers of the date of copper retirement, Verizon has provided a notification to consumers that lists a specific date on which copper facilities will be retired (retirement date), requires consumers to schedule an appointment to replace copper facilities before the retirement date, and, if they do not, suspends and terminates the consumer's telephone service and removes the copper facilities to the premise, well before the retirement date. Not only does this "flexible" approach result in customer confusion, it also results in the suspension or termination of the consumer's basic service, or forces consumers to make a rushed, last minute decision regarding their service that they do not fully understand in order to avoid suspension or termination. Rather than adopt Verizon's proposal to bless this type of activity, the Commission should reject the practice.

⁹ Comments of Verizon at 21-22.

¹⁰ Comments of Verizon at 21.

**A Presumptive Finding that Section 214(a) Discontinuances
Will Not Adversely Affect the Public Interest is Not Justified**

AICC demonstrated in its comments that the Commission should not find that Section 214(a) discontinuances will not adversely affect the present or future public convenience and necessity, provided that fiber, IP-based, or wireless services are available to the affected community,¹¹ because this simply is not true. Rather, AICC has demonstrated in these comments and in previous comments filed with the Commission that entities offering services over fiber, cable and wireless networks, and IP-based services, oftentimes do not provide the same quality, reliability and functionality as the TDM-based services on which consumers rely. Therefore, the presence of fiber, IP-based or wireless services does not mean that the public interest will not be adversely affected as a result of a 214 discontinuance.

It is clear that at least some, if not all, of the services being offered to consumers today over fiber, cable and wireless technologies are not of the same reliability and functionality as traditional, TDM-based, local exchange service. The alarm industry has experienced serious issues in 2016 and 2017 as discussed in its comments, when alarm signals have not been completed in connection with Verizon's fiber facilities or, possibly, an alternative cable network provider. In previous comments, AICC discussed how alternative providers make changes to their networks that affect service reliability and quality on a regular basis- either by changing their own network parameters, for example, with respect to compression, or by using intermediary providers that do not meet the same reliability and quality standards. The Commission has recognizes that the use of intermediary providers is a cause of call completion

¹¹ *NPRM/NOI* at ¶95.

issues in the Rural Call Completion proceeding.¹² AT&T and Verizon have also experienced significant 911 outages.¹³ We also have seen the circumstance in Fire Island, NY where Verizon sought to replace POTS service with a substandard wireless alternative, Voice Link, which was not capable of supporting alarm services.

Most recently, AICC has become aware of a backup power option provided by Verizon that is in no way comparable to the backup power capabilities of existing equipment, let alone copper facilities. Specifically, Verizon has begun supplying FiOS customers with battery backup that must be manually turned on by the customer in the event of a power outage.¹⁴ Further, because the backup unit is not powered on until the customer does so manually, there is no way for the unit to notify anyone that the backup power supply is depleted. Instead, a customer is required to manually check the 12 dry cell batteries with a strip of litmus paper.¹⁵ In the past, AICC has demonstrated the dangers associated with dry cell batteries.¹⁶ These safety issues are only compounded by the fact that the backup power source is not functional unless manually turned on.

The 214(a) process is necessary to ensure that alternative services are available and of sufficient quality, reliability and functionality before regulated ILECs like Verizon, and most likely the carrier of last resort, are allowed to terminate regulated services. Clearly, many fiber

¹² *In the Matter of Rural Call Completion*, Second Further Notice of Proposed Rulemaking, WC Docket No. 13-39, FCC 17-92, released July 14, 2017.

¹³ *See, e.g., March 8, 2017 AT&T VoLTE 911 Outage Report and Recommendations*, Report of the Public Safety and Homeland Security Bureau, PS 17-68, released May 1, 2017.

¹⁴ *See* Verizon PowerReserve Instruction Manual at #8 (“Leave the unit OFF until needed during a commercial power outage.”), available at <https://www.verizon.com/support/consumer/battery-backup/power-reserve> (last visited July 17, 2017).

¹⁵ *Id.*

¹⁶ *See, e.g.,* Comments of the Alarm Industry Communications Committee, Report No. NCD-2376, filed July 23, 2014.

services do not meet this standard. AICC also notes that in the Rural Call Completion proceeding, the Commission proposes to require carriers to monitor the performance of intermediate providers and hold them responsible for poor performance.¹⁷ This information should be part of the 214 process. Thus, the Commission should examine alternative services provided by the discontinuing carrier or another provider, as part of the Section 214 discontinuance process to make a specific determination (focusing on reliability and functionality standards) such that the public interest will not be adversely affected.

Conclusion

The Commission has a duty to ensure "a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense," and "for the purpose of promoting safety of life and property ...".¹⁸ In order to meet this statutory requirement, AICC urges the Commission to abandon its efforts to reduce or eliminate customer notification of copper retirement, to eliminate Section 214 protections and to preempt state laws that seek to ensure the continued availability of high quality communications networks.

Respectfully submitted,

ALARM INDUSTRY COMMUNICATIONS COMMITTEE

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¹⁷ See *In the Matter of Rural Call Completion*, supra note 12.

¹⁸ 47 USC §151.